

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

JUSTIN DEMOND DOTSON, # 86506

PLAINTIFF

VERSUS

CAUSE NO. 3:12cv307-TSL-MTP

KENYATTA MCBRIDE, LEWIS MOORE,
JOHN DOE, and HINDS COUNTY
SHERIFF DEPARTMENT

DEFENDANTS

MEMORANDUM OPINION AND ORDER DISMISSING SHERIFF DEPARTMENT

BEFORE THE COURT are pro se plaintiff Justin Demond Dotson's pleadings. He is a pretrial detainee at the Hinds County Detention Center and brings this action alleging excessive force. The court has considered and liberally construed the pleadings. For the reasons below, defendant Hinds County Sheriff Department is dismissed.

Dotson alleges that, on December 29, 2010, he was housed at the Detention Center. He accuses defendants Sergeant Kenyatta McBride and Deputy Lewis Moore of using excessive force against Dotson. He further claims an unknown deputy was present during the alleged abuse but failed to intervene. Dotson sues, among others, the Sheriff Department.

The Sheriff Department's capacity to be sued is determined by Mississippi law. Fed. R. Civ. P. 17(b)(3). In Mississippi, a sheriff's department is not a separate legal entity which may be sued, rather it is an extension of the county. Brown v. Thompson, 927 So. 2d 733, 737 (¶12) (Miss. 2006). Therefore, the

court dismisses the Sheriff Department. The remainder of the case will proceed.

IT IS THEREFORE ORDERED AND ADJUDGED that, for the reasons stated above, defendant Hinds County Sheriff Department should be and is hereby **DISMISSED**.

SO ORDERED, this the 20th day of June, 2012.

/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE